

Date: 06/07/2011 11:11 AM
From: Carol Campbell/R8/USEPA/US
To: Ketellapper.Victor
Subject: Fw: Response to watering and other concerns.

are these old pictures or new?
Carol L. Campbell, Assistant Regional Administrator
Office of Ecosystem Protection and Remediation
United States Environmental Protection Agency, Region 8
1595 Wynkoop Street
Denver, Colorado
80202

303-312-6340 (W)
303-312-6071(fax)

----- Forwarded by Carol Campbell/R8/USEPA/US on 06/07/2011 11:11 AM -----

From: Libby Citizen <libbycitizens@gmail.com>
To: James Martin/AA/USEPA/US@EPA
Cc: Mike Cirian/R8/USEPA/US@EPA, Carol Campbell/R8/USEPA/US@EPA, eric.bierwagen@mail.house.gov, gordsull@yahoo.com, Jim Martin/R8/USEPA/US@EPA, Kirby Campbell-Rierson <kirby_campbell-rierson@baucus.senate.gov>, lammersmp@cdm.com, lidewitt@mt.gov, lscusa@mt.gov, mvolesky@mt.gov, Sean Earle/R4/USEPA/US@EPA, Sonya Pennock/R8/USEPA/US@EPA, Victor Ketellapper/R8/USEPA/US@EPA, info@peer.org, bturnbaugh@ombwatch.org, denny.rehberg@mail.house.gov, xcav8orr@hotmail.com, Michelle Hartly <michellehartly@gmail.com>
Date: 06/07/2011 10:34 AM
Subject: Re: Response to watering and other concerns.

RE: DANGEROUS PRACTICES

ATTACHED is documentation of some of the EPA Dangerous Practices, which we believe may have been primarily financially motivated. We cannot imagine another reason why they would dream this up. Dubbed, "Ampitheater", It is a large pile of deadly material in a flood plain, near waterways, public roadways and public lands,uncovered, unprotected. It was placed there by EPA contractors.

The material in this pile was handled multiple times by workers, which apparently allowed the company to bill EPA for multiple moves.

Also attached is the deadly material being released or dumped into waterways (Rainy Creek/Kootenai River, etc..) er EPA/contractors.

Photos of individual properties after very expensive dangerous cleanups are available upon request. They will shock and alarm you.

On Tue, Jun 7, 2011 at 8:41 AM, Libby Citizen <libbycitizens@gmail.com> wrote:

ADOPT A VIABLE ENGINEERING SOLUTION TODAY ,

OR;

MOVE TO RELOCATE THE CITIZENS, PER OSWER 9355.0-71

YOU KNOW HAT YOU ARE DOING IS DANGEROUS ON SO MANY LEVELS.

IF YOU HAVE BEEN UNABLE TO DISCERN THIS YOURSELF, WE HAVE PROVIDED AMPLE DOCUMENTATION.

FIX IT, OR GET PEOPLE OUT OF HARM'S WAY....IMMEDIATELY,
S REQUIRED DURING A PUBLIC HEALTH EMERGENCY.

OSWER Directive 9355.0-71P, Interim Policy on the Use of Permanent Relocations as part of Superfund Remedial Actions, provides the criteria for evaluating permanent relocations of residents. The policy states that &Generally, the primary reasons for conducting a permanent relocation would be to address an immediate risk to human health where an engineering solution is not readily available) or structures are an impediment to implementing a protective cleanup.⁸

Begin forwarded message:

From: Michelle <michellehartly@gmail.com>

Mr. Martin;

Per Mr. Cirian's email, Why were contract workers told not to spray Mr. Orr's property with water?

Will you supply each of us the water sample data today as requested two weeks ago?

Please verify the source of water and recent water samples
-today. This is important.

Please specify exactly why a Police Report will always be filed by EPA if Yardwork is being performed for a widowed neighbor.

We need to be aware of our liabilities from the EPA During this "voluntary cleanup" and public health emergency.

Prior to PA controls, we were able to help our neighbors at will without having someone report our assistance to Police.

Please understand, we're not used to this type of insidious control.

If however, this was an isolated incident, and we will not generally be reported to police for simple assistance, We ask your specific definition of why Mr. Vasquez will report an incident. What rule or policy are you citing to support this decision?

If none of these apply, then it must be determined a false police report has been filed and each of you must act on that. A citizen and elected official has been menaced. Tell us why, support your answer, or admit the error.

Enough is enough.

-Michelle Hartly

On Tue, Jun 7, 2011 at 7:45 AM, DC Orr <xcav8orr@hotmail.com> wrote:

Mr. Cirian;

I will be addressing your response over several days, maybe weeks, since it is so far off the mark there are too many factual errors to correct in one setting.

I will start with your last statement, "Sorry for any inconvenience..."

EPA and their contractors were upset that I pointed out that the initial property survey was in error and educated my neighbor about the lies she was being told. EPA and their contractors then proceeded to launch a program of intimidation and terror aimed at me personally the likes of which I have not seen since a City Police Officer handcuffed my 16 year old daughter and stuck his tongue down her throat because I had the audacity to question the motives of the Mayor.

When you state that the area where I dumped commercially available gravel, at the request of the homeowner, was "marked to perform a removal" you are either ignorant of the facts or purposely deceptive. There were no marks at this site. The only contractor activity prior to my performing work for my neighbor was the property line staking which took three tries to arrive at an approximate staking of the actual line. Contractors had told my neighbor so many lies at that point that the start date of actual work had been in question for weeks. Homeowners cannot put their lives on hold indefinitely while your contractors are fumbling with the schedule and trying to find their way between Nevada Avenue and Dakota because they have only been in Libby for a few hours.

I have been spreading commercially available crushed gravel on that City alley for 24 years and have improved it greatly from the muddy to dusty mess that it was when I moved here. I even plow the snow in the winter. No one has ever complained about these improvements until EPA called the cops.

Don't try to make it look like there was any contractor presence at this site when I helped my neighbor, there was none. Don't claim to be sorry when you are not. You come off looking like a liar.

When you admit that Mike Vasques was ordered by EPA to call the cops to expose the source of this harassment. Please forward my apologies to Mr. Vasques. When the police officers told me he had called them I responded by asking him what kind of coward he was that he wouldn't simply address the issue with me personally. Now that you know that some EPA official was skulking in the background hiding behind Mr. Vasques' skirt while he did his dirty work must apologize to Mr. Vasques.

Please supply the name of the fainthearted half-man without Mr. Vasques in such a difficult position so I can tell them what I think of their impotent attempt to intimidate me. That is the person responsible for this being blown out of proportion.

That is all that I ask of you in this email, supply the name of the EPA official who ordered Mr. Vasques to disrupt my life.

In coming days I will follow up with questions like, who ordered the truck drivers to deny dust protection for my family...and why, where are the water samples from the water taken from OU-3 for that dust protection, Why did Mr. Ayala give me a phone number that is never answered and has no voicemail capability, who planted four inch staples in the alley to pop my tires, is there a health concern related to the bark from trees removed from operable units of this Superfund site, why were tour groups directed through my property, does EPA intend to remove the contamination their contractors dug out into the alley and many more issues you studiously avoided in your "response".

I will wait for your response about the order to harass me before we continue.

Please respond.

Sincerely, DC Orr

>

CC: xcav8orr@hotmail.com; Campbell.Carol@epamail.epa.gov; eric.bierwagen@mail.house.gov; gordsull@yahoo.com; Martin.Jim@epamail.epa.gov; kirby_campbell-rierson@baucus.senate.gov; lammersmp@cdm.com; libbycitizens@gmail.com; lidewitt@mt.gov; ls cusa@mt.gov; mvolesky@mt.gov; Earle.Sean@epamail.epa.gov; Pennock.Sonya@epamail.epa.gov; Ketellapper.Victor@epamail.epa.gov; info@peer.org

> From: michellehartly@gmail.com

> Subject: Re: Response to watering and other concerns.

> Date: Mon, 6 Jun 2011 22:02:16 -0700

> To: Cirian.Mike@epamail.epa.gov

>

> Mr.Martin;

>

> Per Mr Cirian's email, Why were contract workers told not to spray Mr Orr's property with water?

>

> Will you supply each of us the water sample data today as requested two weeks ago?

>

> Please verify the source of water and recent water samples

> -today. This is important.

>

> Please specify exactly why a Police Report will always be filed by EPA if Yardwork is being performed for a widowed neighbor.

>

> We need to be aware of our liabilities from the EPA During this "voluntary cleanup" and public health emergency.

>

> Prior to EPA controls, we were able to help our neighbors at will without having someone report our assistance to Police.

>

> Please understand, we're not used to this type of insidious control.

>

> If however, this was an isolated incident, and we will not generally be reported to police for simple assistance,

> We ask your specific definition of why Mr Vasquez will report an incident. What rule or policy are you citing to support this decision?

>

> If none of these apply, then it must be determined a false police report has been filed and each of you must act on that. A citizen and elected official has been menaced. Tell us why, support your answer, or admit the error.

>

> Enough is enough.

>

> -Michelle Hartly
>
> Sent from my iPhone
>
> On Jun 6, 2011, at 1:57 PM, Cirian.Mike@epamail.epa.gov wrote:
>
>> Mr. Orr,
>>
>> This email is in response to your concerns listed below.
>>
>> On May 24th, 2011, you raised the concern of the alley not being watered
>> in back of your property. We addressed that concern immediately with
>> direction for the contractors to water all areas needed to be watered
>> without breaks in the watering unless specifically directed by the
>> adjacent property owners. If property owners request we do not spray
>> the contractor is to contact the Corps of Engineers or myself. Other
>> reasons we may not spray are if vehicles are parked along the roads with
>> windows or doors open. The contractors have been spraying in front of
>> your property ever since this was first addressed. The driver last
>> week assured us he watered the entire stretch along Nevada (and Jeff
>> Hubbard with the Corps witnessed this as well.) This morning was the
>> first time they stopped (different truck driver than last week) and you
>> were correct the driver said he was told not to and that was corrected
>> by 9:30 this morning and we will direct the contractors again about the
>> watering guidelines.
>>
>> In regards to the dumping of firewood out of wheel barrows to re-stack
>> it at your neighbors the three small pieces of bark were picked up and
>> placed back with the fire wood that was being re-stacked. I instructed
>> the contractor to place the wood directly from the wheel barrow to the
>> log stack and to be careful not to let any more materials touch your
>> property. We will do our best to see this is followed.
>>
>> If you suspect vandalism, I encourage you to contact the local
>> authorities and file a formal complaint. If we witness any vandalism or
>> other issues that would warrant it, we will contact the authorities as
>> well.
>>
>> As far as OSHA complaints, those are usually anonymous, and anyone can
>> file them at anytime. I cannot interfere in those allegations or
>> investigations.
>>
>> There will be no disciplinary actions against Mr. Vasques for calling
>> the police at the EPA's request to document soils showing up on an area

> > we had marked to perform a removal and document this as well as being
> > put onto the city's alley.
> >
> > A couple of other notes: Jeff Hubbard informed me you requested a
> > contact above me, You can contact Victor Ketellapper (Libby Team Lead)
> > Steve Wharton (Our Section Chief) and you have listed others on this
> > email. If you do not already have their contact information let me
> > know.
> >
> > In one of your earlier emails you requested a property screening at your
> > property, we can deliver an access agreement at anytime or let me know
> > and we can schedule a time to get with you to have it signed so we have
> > permission from you to perform a screening of your property.
> >
> > Sorry for any inconvenience our removal activities may have cause you.
> >
> > Sincerely,
> >
> > Mike
> >
> > Mike Cirian, PE
> > US EPA
> > Remedial Project Manager
> > 108 East 9th St.
> > Libby, MT 59923
> >
> >
> >
> >
> >
> > From: DC Orr <xcav8orr@hotmail.com>
> > To: <michellehartly@gmail.com>, Jim Martin/R8/USEPA/US@EPA,
> > <lscusa@mt.gov>, Victor Ketellapper/R8/USEPA/US@EPA, Mike
> > Cirian/R8/USEPA/US@EPA
> > Cc: Sean Earle/R4/USEPA/US@EPA, <eric.bierwagen@mail.house.gov>,
> > <gordsull@yahoo.com>, Kirby Campbell-Rierson
> > <kirby_campbell-rierson@baucus.senate.gov>,
> > <lidewitt@mt.gov>, <mvolesky@mt.gov>, Sonya
> > Pennock/R8/USEPA/US@EPA, Carol Campbell/R8/USEPA/US@EPA,
> > <lammersmp@cdm.com>, <libbycitizens@gmail.com>
> > Date: 06/06/2011 10:13 AM
> > Subject: RE: Jeremy Ayala
> >
> >
> >

> > Mr. Cirian;
> > Thank you for responding and coming to my home this morning. I would
> > like to take this opportunity to memorialize our tour. I would
> > respectfully request that someone, anyone, respond to this email in
> > writing so we can verify that you have received it and lay out the terms
> > of your response to my concerns.
> > There was no rig parked on the road this morning with the door open,
> > the truck driver admitted that they had orders to not water on the
> > street or alley by my property since the first day of work adjacent to
> > my property. IF...you sent word to correct this situation in the last
> > two weeks it did not make it to the truck drivers. This is evidence that
> > too many layers of bureaucratic involvement is harming this Project.
> > I showed you where workers for your contractor were dumping firewood
> > at 1109 Nevada, directly adjacent to my property, and spilling wood onto
> > my property. I have repeatedly asked EPA to explain the relative dangers
> > of wood waste being released from the various Operable Units of this
> > Superfund Site, EPA has refused to respond.
> > While we were walking through the alley, I found a 4 inch staple,
> > consistent with what your contractors use on-site, in the alley. The
> > rash of flat tires I have had on my rigs lately may must be one more
> > element of incompetence, but I am worried that it comes from vandalism.
> > The water poured in the fuel tanks of my equipment was definitely
> > vandalism.
> > I am going to request the name of the person who filed a bogus OSHA
> > complaint on one of my jobs in Libby.
> > I am going to request disciplinary action against Mike Vasquez for
> > calling the cops to complain about me doing my job.
> > I am going to protect my family from these tactics of harrassment.
> > Please let me know you intend to help.
> > Sincerely, DC Orr
> >
> >
> >
> > CC: xcav8orr@hotmail.com; earle.sean@epamail.epa.gov;
> > eric.bierwagen@mail.house.gov; gordsull@yahoo.com;
> > kirby_campbell-rierson@baucus.senate.gov; lidewitt@mt.gov;
> > mvolesky@mt.gov; pennock.sonya@epamail.epa.gov;
> > campbell.carol@epamail.epa.gov; lammersmp@cdm.com;
> > libbycitizens@gmail.com
> > From: michellehartly@gmail.com
> > To: martin.jamesb@epa.gov; lscusa@mt.gov; ketellapper.victor@epa.gov;
> > cirian.mike@epa.gov
> > Subject: Re: Jeremy Ayala
> > Date: Mon, 6 Jun 2011 08:35:15 -0700

>>
>> Although Mr. Orr is not a Federal employee, here is the definition for
>> whistleblower:
>>
>> "A whistleblower is someone who reports to an employer, a regulatory
>> body, or an oversight or review authority, the violation of a
>> regulation, standard, or ethical obligation."
>>
>> Mr. Orr has sent proof you are willfully ENDANGERING his family. It's
>> disgusting that such tactics are used in an area declared a Public
>> Health Emergency.
>>
>> Each person aware of this needs to take action today. Will you? What
>> will you do?
>>
>> Also, EPA's contractor ER and each and every EPA or State official
>> assisting them in these unsafe activities need to be investigated under:
>>
>> <http://www.whistleblowerlaws.com/federal-and-state-laws/montana-false-claims-act/>
>>
>>
>> To spend \$ 350,000,000 INCREASING risks to the people and the
>> environment is outrageous.
>>
>> Silence or refusal to ACT is APPROVAL.
>>
>> STOP EVERY UNHEALTHY ACTIVITY TODAY.
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>> On Jun 6, 2011, at 8:05 AM, FilmWest wrote:
>>
>> Doesn't this activity by EPA contractors violate State and Federal
>> laws?
>>
>> The Whistleblower Protection Act of 1989 is a United States
>> federal law that protects federal whistleblowers, who work for the
>> government and report agency misconduct. A federal agency violates
>> the Whistleblower Protection Act if agency authorities make (or
>> threatens to take) a personnel retaliatory action with respect to
>> any employee or applicant because of any disclosure of information

>> by the employee or applicant. Whistleblowers may file complaints
>> that he or she reasonably believes evidences a violation of a law,
>> rule or regulation; gross mismanagement; gross waste of funds; an
>> abuse of authority; or a substantial and specific danger to public
>> health or safety.
>>
>> Mr. Orr is an elected official.
>>
>> How can a company sworn to protect, instead discriminate and harm
>> the citizens without repercussions?
>>
>>
>> WHAT IS BEING DONE ABOUT THIS?
>>
>>
>> - Michelle Hartly
>>
>>
>>
>>
>>
>>
>> On Jun 6, 2011, at 7:51 AM, DC Orr wrote:
>>
>> Mr. Cirian;
>>
>> It is rapidly closing in on two weeks since I requested
>> some communications with Mr. Buss and Mr. Ayala. They have
>> refused to respond.
>> I am enclosing pictures showing that your contractors are
>> refusing to afford my family the same dust protection that
>> my neighbors receive. My wife suffers health problems
>> associated with this site and they have recently been
>> aggravated by the actions of your contractors stirring up
>> contaminated dust in the neighborhood. I would like contact
>> information for the insurance company responsible for her
>> medical costs during this mess.
>> This incident of discrimination comes on top of vandalism
>> to my property and harassment of my business. If these
>> Gestapo tactics are being employed in an attempt to shut me
>> up, understand that I remain committed to correcting the
>> violations of the RAWP that persist on this Project. Now
>> that your incompetence and arrogance has harmed my wives
>> health, I am fairly certain I will be even more persistent.
>> I will be logging this with the OIG and requesting

> > whistleblower protection since it is obvious that this is
> > meant to tamper with my complaint.
> > Please respond.
> > Sincerely, DC Orr
> >
> >
> >
> >
> >
> >> Subject: Re: Jeremy Ayala
> >> To: xcav8orr@hotmail.com
> >> CC: Earle.Sean@epamail.epa.gov;
> > Ketellapper.Victor@epamail.epa.gov
> >> From: Cirian.Mike@epamail.epa.gov
> >> Date: Tue, 24 May 2011 19:18:21 -0600
> >>
> >> Mr. Orr, I am replying to you to let you know I am
> > forwarding your
> >> email to Mr. Ayala and Mr. Buss in order for me to get a
> > response to
> >> your concerns listed below. I also understand Mr. Ayala
> > has contacted
> >> you by phone just recently. I hope you raised your
> > concerns with him at
> >> that time. I will follow up with them tomorrow.
> >>
> >> Thank you,
> >> Mike
> >>
> >> Mike Cirian, PE
> >> US EPA
> >> Remedial Project Manager
> >> 108 East 9th St.
> >> Libby, MT 59923
> >> [406-293-6194](tel:406-293-6194)
> >>
> >>
> >>
> >> From: DC Orr <xcav8orr@hotmail.com>
> >> To: Mike Cirian/R8/USEPA/US@EPA, Sean
> > Earle/R4/USEPA/US@EPA,
> >> <gordsull@yahoo.com>, <filmwest@gmail.com>
>
> >> Date: 05/24/2011 06:34 PM
> >> Subject: Jeremy Ayala

> > >
> > >
> > >
> > > Mr. Cirian;
> > >
> > > Mr. Ayala and Mr. Buss gave me contact numbers but we are
> > having
> > > difficulty communicating. One phone number did not have
> > voicemail and
> > > one never picked up. I am hoping you will pass this on to
> > those
> > > gentlemen for me.
> > > Every day so far that EPA contractors have been active at
> > 1109 Nevada
> > > I have noticed that the water trucks shut the valves when
> > they get to my
> > > property and open them again when they leave. EPA
> > contractors lay down
> > > water on the streets all around the block. The only place
> > left dusty is
> > > in the alley and the street directly adjacent to my
> > property.
> > > I do not own the street or alley. I believe the water is
> > used to keep
> > > down dust. Why is the street and alley directly adjacent
> > to my property
> > > left high and dry while my neighbors are afforded
> > protection from this
> > > dust caused by EPA contractor actions?
> > > If this is because the Kootenai River, OU-3, where
> > contractors get
> > > their water, is running high and disturbing the sandbars
> > that collect
> > > the vermiculite washing downstream from the activities at
> > the
> > > Ampitheater and the mine road, maybe EPA should look at
> > this avenue of
> > > cross contamination. Can you supply the water sample
> > results of the
> > > water used by your contractors on EPA Projects in Libby
> > for over ten
> > > years now? Surely EPA addressed the possibility that water
> > from OU-3
> > > should be tested before using it on every single cleanup

> > in the Kootenai
> >> Valley. Please verify that the water is clean.
> >> If the reason is simply an effort to harass and annoy DC
> > Orr, tell
> >> your contractors to get a life and suppress the dust.
> >> I also have some questions about the folks roaming around
> > my property
> >> taking pictures yesterday, 5-23. Mr. Buss assured me that
> > EPA
> >> contractors would respect my wishes to avoid any further
> > cross
> >> contamination issues by staying off my property. What
> > happened?
> >> I would like Mr. Buss and/or Mr. Ayala to respond in
> > writing so I
> >> have a record of the response.
> >>
> > <Photo054.jpg><Photo053.jpg>
> >
> >
> >



Libby Site



Rainey Creek.pdf



Ampitheater.pdf



Rainy Creek.pdf